

REQUEST FOR A DECLARATION CLARIFYING THE MEANING OF THE EXPRESSIONS 'SUPPRESSED FOR NOMENCLATORIAL PURPOSES' AND 'REJECTED FOR NOMENCLATORIAL PURPOSES' AND THE STATUS OF INFORMATION IN WORKS THAT ARE REJECTED UNDER ARTICLES 8 AND 9 OF THE CODE. Z.N.(S.)2476

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The International Code of Zoological Nomenclature distinguishes only two classes of works: those that are 'published' within the meaning of Article 8, and unpublished works.

2. But for a name or nomenclatorial act to be available, it must also be contained in a work that was published after 1757 [Art. 11a]; it must have been published in a work in which the author had consistently applied the Principle of Binominal Nomenclature [Art. 11c]; and, if published after 1950, it must not be anonymous [Art. 14].

3. On the other hand, works that meet only the criteria of Article 8 (but not also those of paragraph 2 above) may be the published sources of descriptions or illustrations that may provide the bases for the establishment of new names under Articles 12 and 13 by bibliographic reference.

4. In the past the Commission has given Opinions that certain works are 'suppressed for nomenclatorial purposes' or 'rejected for nomenclatorial purposes' and recorded these rulings in the Official Index of Rejected and Invalid Works in Zoological Nomenclature (in the Code the spelling 'nomenclatorial' is used; it is used elsewhere in this proposal, except when quoting).

5. At present it is not clear whether the expressions 'rejected for nomenclatorial purposes' and 'suppressed for nomenclatorial purposes' are of equivalent effect on the works so described. Are such works totally rejected or suppressed (i.e. have they the same status in nomenclature as manuscripts) or may they be used as sources of illustrations or descriptions as though they were works published before 1758? (see paragraph 3 above).

6. In preparing the third edition of the Code it has become apparent that a ruling must be obtained to clarify the expressions used by the Commission in its Opinions.

STATUS OF WORKS UNDER THE CODE

7. *Unpublished works*: Works that do not meet the criteria of Article 8 (or are rejected under Article 9) have the status, in zoological nomenclature, of unpublished works; that is, they have the same status as manuscripts.

8. *Works published before 1758*: Works published prior to 1758, even if they meet the criteria of Article 8, are not sources in which names can be made available. Since nomenclatural acts, such as type fixation, selection using the First Reviser principle, and allocation of species to a genus described without originally included species, can only be done following the establishment of an available name, it follows that none of them can be accepted from a pre-1758 work. However such works have been regarded, since the time of Linnaeus, as published sources of illustrations or descriptions that can be cited by bibliographic reference in order to establish a name (e.g. by indication under Article 12 of the third edition).

9. *Non-binominal works*: Published works that are not wholly binominal [Art. 11c] have the same status as works published before 1758; names and nomenclatural acts published in such works cannot be available.

10. *Anonymous works*: Names published anonymously after 1950 are not available [Art. 14]. This provision should be extended to cover also nomenclatural acts published in such works.

11. *Rejected and suppressed works*: Although the difference in meaning between 'rejected works' and 'suppressed works' may not be evident to the casual reader, analysis of the Official Index of Rejected and Invalid Works in Zoological Nomenclature reveals that 'rejected works' are those that are held by the Commission not to meet the 'normal provisions of the *Règles*' (Hemming, 1958, Introductory Note to the Official Index, paragraph 7). In this sense, rejection is an action that can be taken by any zoologist with regard to a work in which 'the author did not consistently apply the Principle of Binominal Nomenclature' or to a work 'published before 1 January 1758, the starting point of zoological nomenclature'. On the other hand, 'suppressed works' are those on which official action is taken by the Commission using its plenary power [Art. 79] even though the work satisfies the criteria of Article 8 (or possibly so), but for reasons of conserving later names or acts, is deemed to be a threat to stability and thus meet to be suppressed.

12. Nowhere in the Code or the Official Index is it made clear whether works that are rejected or suppressed have the status of manuscripts (i.e. works that do not meet the criteria of Article 8 or have been rejected under Article 9) or whether they have the status of published works referred to in paragraphs 8 to 10 above.

DRAFT DECLARATION A

13. The Commission is asked to insert words into Chapter III of the Code to make it clear that

- (a) suppressed and rejected works all have the same status in zoological nomenclature, i.e. a work rejected by a zoologist or the Commission on any of the following grounds:
 - (i) that it was published before 1758; or
 - (ii) that it has been suppressed by the Commission by the use of the plenary power; or
 - (iii) that the author did not consistently apply the Principle of Binominal Nomenclature; or
 - (iv) that it was published anonymously after 1950is not a work in which a new name can be established or any of the following nomenclatural acts be done:
 - (1) fixation of the name-bearing type of a taxon at any rank in the family group, the genus group or the species group, including the subsequent reference of one or more nominal species to a genus established without included species;
 - (2) any of the actions admissible under the Principle of the First Reviser;
 - (3) emendation, justified or unjustified;but such works may be used as published sources to which bibliographic reference can be made for published illustrations or descriptions to make available a newly published name under the provisions of Articles 12 and 13 (of the third edition);
- (b) the expressions 'rejected for nomenclatural purposes' and 'suppressed for nomenclatural purposes' used by the Commission with reference to works shall be defined as in (a) above, subject to any qualification expressly stated in the relevant Opinion; and
- (c) a work that does not satisfy the provisions of Article 8 or that is rejected under Article 9 has the status in zoological nomenclature of a manuscript, that is, it is unpublished for all the purposes of the Code.

COMPLETION OF RULING

14. The term 'available' is not used in the Code itself in connexion with works, but is used in the title and introduction of the Official List of Works Approved as Available for Zoological Nomenclature following a decision at Copenhagen in 1953 that

'Where, on the application of specialists, the International

Commission either (a) declares to be available, or (b) validates, for nomenclatorial purposes, a given work, the name of that work (together with its author and date) shall be placed on an 'Official List' to be styled the *Official List of Works Approved as Available for Zoological Nomenclature.*' (Copenhagen Decisions zool. Nom., p. 24, decision 24).

In this context, and subject to any qualification imposed by the Commission using its plenary power [Art. 79], the use of the terms 'available' and 'validated' confers equal status.

DRAFT DECLARATION B

15. We request the Commission to insert words in Chapter III of the Code to make it clear that

- (a) the terms 'available' and 'validated' when used in connexion with a work in zoological nomenclature shall be interpreted to mean that the work so described is, or is deemed by the Commission to be, a work that is published under Article 8 and is not excluded from use for any other nomenclatorial purpose (such as establishing new names, fixation of name-bearing types, selection under the Principle of the First Reviser, etc.) by any provision of the Code;
- (b) the term 'available work' be used to describe such a work; and
- (c) any work so described may nevertheless be partially restricted in use or suppressed by the Commission using its plenary power and any such limitation or suppression shall be expressed in an Opinion.